

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

LARRY ARCHER,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Hon. Joseph H. Rodriguez

Civil Action No. 07-6071

ORDER

Petitioner having moved under 28 U.S.C. § 2255 to vacate, set aside, or correct his sentence; and

Respondent having opposed Petitioner's motion; and

The Court having dismissed Petitioner's motion in a July 8, 2008 Memorandum Opinion & Order after having determined that Petitioner waived his right to bring such a motion; and

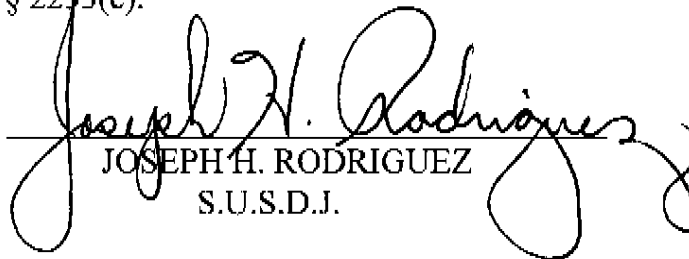
Petitioner having appealed this determination; and

The appeal having been temporarily stayed and the record remanded to the Court because it inadvertently failed to either issue a certificate of appealability or state the reasons why one ought not to issue, as required by 3d Cir. L. App. R. 22.2, in its Memorandum Opinion & Order;

IT IS THIS 11th day of August, 2008 hereby

ORDERED that no certificate of appealability shall issue in the above-captioned

matter because Petitioner has not made a substantial showing of the denial of a constitutional right, see 28 U.S.C. § 2253(c).


JOSEPH H. RODRIGUEZ
S.U.S.D.J.